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**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:10-cv-01818-ABJ**

PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS
v. NATIONAL INSTITUTES OF HEALTH, DEPARTMENT
OF HEALTH AND HUMAN SERVICES
Assigned to: Judge Amy Berman Jackson
Cause: 05:552 Freedom of Information Act

Date Filed: 10/27/2010
Date Terminated: 04/11/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS**

represented by **Jessica Almy**
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V.

Defendant

**NATIONAL INSTITUTES OF
HEALTH, DEPARTMENT OF
HEALTH AND HUMAN SERVICES**

also known as

**NATIONAL INSTITUTES OF HEALTH
DEPARTMENT OF HEALTH AND
HUMAN SERVICES**

represented by **Marina Utgoff Braswell**
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Date Filed	#	Docket Text
10/27/2010	<u>1</u>	COMPLAINT against NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Filing fee \$ 350, receipt number 4616033731) filed by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS. (Attachments: # <u>1</u> Civil Cover Sheet)(dr) (Entered: 10/27/2010)
10/27/2010		SUMMONS (3) Issued as to NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES, U.S. Attorney and U.S. Attorney General (dr) (Entered: 10/27/2010)
10/27/2010	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests NONE by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (dr) (Entered: 10/27/2010)
11/05/2010	<u>3</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Braswell, Marina) (Entered: 11/05/2010)
11/16/2010	<u>4</u>	Unopposed MOTION for Extension of Time to File Response/Reply to Complaint by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Braswell, Marina) (Entered: 11/16/2010)
11/17/2010		MINUTE ORDER: Upon consideration of <u>4</u> defendant's motion to enlarge time to file a response to plaintiff's complaint, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant shall file its response by not later than December 6, 2010. SO ORDERED.

		Signed by Judge John D. Bates on 11/17/2010. (lcjdb2) (Entered: 11/17/2010)
12/06/2010	<u>5</u>	ANSWER to <u>1</u> Complaint by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES.(Braswell, Marina) (Entered: 12/06/2010)
12/08/2010	<u>6</u>	ORDER setting the initial scheduling conference for January 11, 2011, at 9:00 a.m. in Courtroom 8. See Order for details. Signed by Judge John D. Bates on 12/8/2010. (lcjdb2) (Entered: 12/08/2010)
01/06/2011	<u>7</u>	MEET AND CONFER STATEMENT. (Braswell, Marina) (Entered: 01/06/2011)
01/10/2011	<u>8</u>	NOTICE of Appearance by Jessica Almy on behalf of PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (Almy, Jessica) (Entered: 01/10/2011)
01/11/2011		Minute Entry: Status Conference held on 1/11/2011 before Judge John D. Bates. (Court Reporter Bryan Wayne) (tb,) (Entered: 01/11/2011)
01/13/2011	<u>9</u>	ORDER setting schedule for further proceedings. Signed by Judge John D. Bates on 1/13/2011. (lcjdb2) (Entered: 01/13/2011)
01/20/2011		Set/Reset Deadlines: Joint Status Report due by 2/11/2011. (tb,) (Entered: 01/20/2011)
02/11/2011	<u>10</u>	NOTICE of Joint Proposed Briefing Schedule by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Braswell, Marina) (Entered: 02/11/2011)
02/16/2011	<u>11</u>	ORDER setting briefing schedule. See text of Order for details. Signed by Judge John D. Bates on 2/16/2011. (lcjdb2) (Entered: 02/16/2011)
02/16/2011		Set/Reset Deadlines: Summary Judgment motions due by 3/9/2011. Response to Motion for Summary Judgment due by 4/15/2011. Reply to Motion for Summary Judgment due by 5/16/2011. Cross Motions due by 4/15/2011. Response to Cross Motions due by 5/16/2011. Reply to Cross Motions due by 6/6/2011. (lcjdb2) (Entered: 02/16/2011)
03/02/2011		ENTERED IN ERROR.....Minute Entry: Status Conference held on 3/2/2011 before Judge John D. Bates: See Order previously entered today. (Court Reporter Bryan Wayne) (tb,) (Entered: 03/02/2011)
03/02/2011		NOTICE OF CORRECTED DOCKET ENTRY: re Minute Entry: Status Conference was entered in error and counsel is instructed to disregard this entry. (tb,) (Entered: 03/02/2011)

		03/02/2011)
03/09/2011	<u>1</u> <u>2</u>	Unopposed MOTION for Extension of Time to File <i>Dispositive Motion</i> by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Braswell, Marina) (Entered: 03/09/2011)
03/10/2011		MINUTE ORDER: Upon consideration of defendants' unopposed motion to enlarge time to file defendants dispositive motion, and the entire record herein, it is hereby ORDERED that the motion is GRANTED; and it is further ORDERED that defendant shall file its dispositive motion by not later than March 10, 2011. SO ORDERED. Signed by Judge John D. Bates on 3/10/2011. (lcjdb2) (Entered: 03/10/2011)
03/10/2011	<u>1</u> <u>3</u>	MOTION for Summary Judgment by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Attachments: # <u>1</u> Maloney Declaration, # <u>2</u> Maloney Declaration Exhibits 1-7, # <u>3</u> Maloney Declaration Exhibit 8, # <u>4</u> Cornell Declaration, # <u>5</u> Cornell Declaration Exhibits, # <u>6</u> Mantoan Declaration and Exhibits, # <u>7</u> Servis Declaration and Exhibits)(Braswell, Marina). Added MOTION to Dismiss on 3/11/2011 (dr). (Entered: 03/10/2011)
03/29/2011		Case randomly reassigned to U.S. District Judge Amy Berman Jackson. Judge John D. Bates no longer assigned to the case. (gt,) (Entered: 03/29/2011)
04/07/2011	<u>1</u> <u>4</u>	Consent MOTION for Extension of Time to <i>File Response To Government's Motion To Dismiss In Part And For Summary Judgment</i> by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (Meyer, Katherine) (Entered: 04/07/2011)
04/14/2011		MINUTE ORDER: Upon consideration of <u>14</u> plaintiff's consent motion to extend time to file its response to defendant's motion to dismiss in part and for summary judgment, and the entire record herein, it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that plaintiff will file its response to defendant's motion by not later than April 29, 2011. SO ORDERED. Signed by Judge John D. Bates on 4/14/2011. (lcjdb2) (Entered: 04/14/2011)
04/29/2011	<u>1</u> <u>5</u>	CROSS MOTION for Partial Summary Judgment by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Exhibit I, # <u>10</u> Exhibit K, # <u>11</u> Exhibit L, # <u>12</u> Exhibit M, # <u>13</u> Exhibit N, # <u>14</u> Exhibit O, # <u>15</u> Exhibit P, # <u>16</u> Exhibit Q, # <u>17</u> Exhibit R, # <u>18</u> Exhibit S, # <u>19</u> Exhibit T, # <u>20</u> Exhibit U, # <u>21</u> Exhibit V, # <u>22</u> Exhibit W, # <u>23</u> Exhibit X, # <u>24</u> Exhibit Y, # <u>25</u> Exhibit Z, # <u>26</u> Exhibit AA, # <u>27</u> Exhibit BB, # <u>28</u> Exhibit CC, # <u>29</u> Exhibit DD, # <u>30</u> Exhibit EE, # <u>31</u> Exhibit FF, # <u>32</u> Exhibit GG, # <u>33</u> Exhibit HH, # <u>34</u> Exhibit II, # <u>35</u> Exhibit JJ, # <u>36</u> Declaration Justin Goodman, # <u>37</u> Text of Proposed Order Proposed Order)(Almy, Jessica) Modified on 5/2/2011 to enhance docket text (jf,). (Entered: 04/29/2011)
04/29/2011	<u>1</u>	Memorandum in opposition to re <u>13</u> MOTION for Summary Judgment MOTION to

	6	Dismiss filed by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS. (Almy, Jessica) (Entered: 04/29/2011)
04/29/2011	1 7	NOTICE of Filing of Exhibits W1-W3 by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS re 15 MOTION for Partial Summary Judgment (Almy, Jessica) (Entered: 04/29/2011)
05/16/2011	1 8	Unopposed MOTION for Extension of Time to File Response/Reply as to 15 CROSS MOTION for Partial Summary Judgment, 13 MOTION for Summary Judgment MOTION to Dismiss by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Braswell, Marina) (Entered: 05/16/2011)
05/17/2011		MINUTE ORDER granting 18 Unopposed Motion for Extension of Time to File Response/Reply re 15 CROSS MOTION for Partial Summary Judgment, 13 MOTION for Summary Judgment MOTION to Dismiss. The Responses are due by 6/2/2011. Signed by Judge Amy Berman Jackson on 5/17/11. (MT) (Entered: 05/17/2011)
05/17/2011		Set/Reset Deadline: Defendant's Reply in support of the Motion for Summary Judgment and Response to the Cross Motion for Summary Judgment is due by 6/2/2011. (jth) (Entered: 05/17/2011)
06/02/2011	1 9	Unopposed MOTION for Extension of Time to File Response/Reply as to 15 CROSS MOTION for Partial Summary Judgment, 13 MOTION for Summary Judgment MOTION to Dismiss by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Braswell, Marina) (Entered: 06/02/2011)
06/03/2011		MINUTE ORDER granting 19 Unopposed Motion for Extension of Time. The reply to the motion for summary judgment and opposition to the cross motion for summary judgment will be due 6/10/2011 and the reply to the cross motion for summary judgment will be due 7/1/2011. Signed by Judge Amy Berman Jackson on 6/3/11. (MT) (Entered: 06/03/2011)
06/03/2011		Set/Reset Deadlines: Reply to the motion for summary judgment and opposition to the Cross Motion due by 6/10/2011, Reply to the Cross Motion is due by 7/1/2011. (jth) (Entered: 06/03/2011)
06/08/2011	2 0	Unopposed MOTION for Extension of Time to File Response/Reply as to 15 CROSS MOTION for Partial Summary Judgment, 13 MOTION for Summary Judgment MOTION to Dismiss by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES (Braswell, Marina) (Entered: 06/08/2011)
06/09/2011		MINUTE ORDER granting 20 Unopposed Motion for Extension of Time to File Response re 15 CROSS MOTION for Partial Summary Judgment and Reply re 13 MOTION for Summary Judgment/MOTION to Dismiss. The response is due by 6/17/2011 and the reply is due by 7/8/2011. Signed by Judge Amy Berman Jackson

		on 6/9/11. (MT) (Entered: 06/09/2011)
06/17/2011	2 1	Memorandum in opposition to re 15 CROSS MOTION for Partial Summary Judgment filed by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Braswell, Marina) (Entered: 06/17/2011)
06/17/2011	2 2	REPLY to opposition to motion re 13 MOTION for Summary Judgment MOTION to Dismiss filed by NATIONAL INSTITUTES OF HEALTH, DEPARTMENT OF HEALTH AND HUMAN SERVICES. (Braswell, Marina) (Entered: 06/17/2011)
07/05/2011	2 3	Consent MOTION for Extension of Time to File Response/Reply as to 15 CROSS MOTION for Partial Summary Judgment and 21 <i>Memorandum in Opposition to Cross Motion for Partial Summary Judgment</i> by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (Almy, Jessica) (Entered: 07/05/2011)
07/05/2011		MINUTE ORDER granting 23 Consent Motion for Extension of Time to File Reply re 15 CROSS MOTION for Partial Summary Judgment. The reply will be due by 7/15/2011. Signed by Judge Amy Berman Jackson on 7/5/2011. (MT) (Entered: 07/05/2011)
07/15/2011	2 4	REPLY to opposition to motion re 15 CROSS MOTION for Partial Summary Judgment filed by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS. (Attachments: # 1 Exhibit Pl. Ex. KK, Letter FOIA Appeal)(Almy, Jessica) Modified on 7/15/2011 to enhance docket text (jf,). (Entered: 07/15/2011)
09/07/2011	2 5	NOTICE OF SUPPLEMENTAL AUTHORITY by PEOPLE FOR THE ETHICAL TREATMENT OF ANIMALS (Meyer, Katherine) (Entered: 09/07/2011)
04/10/2012	2 6	ORDER granting defendant's 13 Motion for Summary Judgment; denying defendant's 6 13 Motion to Dismiss; denying plaintiff's 15 Motion for Partial Summary Judgment. Accordingly, Count I and III are dismissed without prejudice, and judgment is entered for the defendant on Count II. Signed by Judge Amy Berman Jackson on 4/10/2012. (lcabj2) (Entered: 04/10/2012)
04/10/2012	2 7	MEMORANDUM OPINION. Signed by Judge Amy Berman Jackson on 4/10/2012. (lcabj2) (Entered: 04/10/2012)

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